

PROB 12C - SD
(SD 04/19)

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF SOUTH DAKOTA

Petition to Revoke Supervised Release

U.S.A. vs. Christopher Plenty Chief

Docket No.: **1:16CR10038-001**

Sentencing Judge: **The Honorable Charles B. Kornmann**

Original Sentence:

Imprisonment: **24 months**

Supervised Release: **3 years**

Date of Original Sentence: **05/31/2017**

Original Offense: **Assault Resulting in Substantial Bodily Injury to a Spouse or Intimate Partner**

Statutory Custody Maximum for Revocation: **2 years**

Supervision Commencement Date: **10/09/2018**

Revocation Date: **07/02/2019**

Revocation Sentence: **14 months custody, followed by 22 months supervised release**

Supervision Commencement Date: **04/21/2020**

Revocation Date: **05/10/2021**

Revocation Sentence: **14 months custody, followed by 8 months supervised release**

Supervision Commencement Date: **08/11/2021**

Petitioning the Court

The probation officer believes Mr. Christopher Plenty Chief has not complied with the following condition(s) of supervision:

1. On or about 01/20/2022, at Aberdeen, SD, Christopher Plenty Chief did unlawfully use a controlled substance, that is, marijuana, in violation of Mandatory Condition No. 3 of the Conditions of Supervised Release.
2. Between 01/30/2022 and 01/31/2022, and on or about 02/05/2022, at Aberdeen, Christopher Plenty Chief did consume alcoholic beverages, in violation of Special Condition No. 5 of the Conditions of Supervised Release.
3. On or about 01/31/2022, at Aberdeen, Christopher Plenty Chief engaged in conduct which constitutes a violation of state law, that is Counts 1 and 2: Driving While Under the Influence, Count 3: No Proof of Financial Responsibility, and Count 4: Open Container in a Motor Vehicle, in violation of Mandatory Condition No. 1 of the Conditions of Supervised Release.
4. On or about 02/05/2022, at Aberdeen, Christopher Plenty Chief did possess or have access to a firearm, ammunition, destructive device, or dangerous weapon, in violation of Standard Condition No. 10 of the Conditions of Supervised Release.

The probation officer recommends a warrant be issued for the arrest and return to Court of Mr. Christopher Plenty Chief for a hearing to determine whether his supervised release should be revoked.

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Summary of Current Period of Supervision

Mr. Christopher Plenty Chief began this current term of supervised release on 08/11/2021. Upon release from BOP, Mr. Plenty Chief obtained housing in Aberdeen, SD. He hoped a new environment would alleviate high-risk situations, allow for employment opportunities, and help to develop prosocial peers. Mr. Plenty Chief held periodic employment. He developed medication management through Indian Health Services, and reported they mail him his medications. He is enrolled in domestic violence cognitive-based services, but his attendance has been sporadic. He reported to the probation office he is scheduled for a chemical dependency evaluation on 02/11/2022 in hopes he obtains outpatient services.

On 01/24/2022 Mr. Plenty Chief presented to the probation office for a scheduled visit. He was asked to provide a urinalysis and admitted he would likely test positive for marijuana. He signed an Admission of Drug Use form, in which he admitted he used marijuana on 01/20/2022; however, his urinalysis was negative. He admitted he consumed a large amount of water and energy drinks to attempt to flush his system. He was admonished for use of illicit drugs and his attempt to circumvent testing.

On 01/31/2022 at approximately 2:16 p.m. the Aberdeen Police Department conducted a traffic stop on a maroon Pontiac Grand Prix with expired paper plates. The driver, Mr. Plenty Chief, smelled strongly of alcohol. Mr. Plenty Chief reported to law enforcement he was unable to finance the registration of his car and acknowledged the paper plates were expired. He was asked to exit the driver's seat of the vehicle and walked to the patrol car. While writing a warning ticket, the officer continued to smell alcohol emanating from Mr. Plenty Chief. The officer asked him how much alcohol he consumed. Mr. Plenty Chief stated he consumed alcohol all night, with his last drink at approximately 4 a.m. on the morning of the arrest. An open container search of the vehicle was conducted and resulted in an open Bud Light bottle with liquid in the bottom and an empty shooter bottle of alcohol, all within reach of the driver. Mr. Plenty Chief was asked to perform standardized field sobriety tests, but he declined and stated he would fail them. He was asked to provide a preliminary breathalyzer test, and he refused. He acknowledged the legal limit was .08% and stated he would fail the breath test. Mr. Plenty chief admitted he felt intoxicated, and his eyes were glossy and watery. He was arrested for Driving Under the Influence. A Search Warrant was obtained for a sample of Mr. Plenty Chief's blood as he refused to provide a breath test or blood sample. Upon presentation of the warrant, Mr. Plenty Chief again refused to comply, but eventually allowed the nurse to collect a sample.

On 02/01/2022 Mr. Plenty Chief called the probation office and asked for leniency regarding his arrest. The probation office reminded him arrest behavior is reported to the Court. He asked for an opportunity to obtain outpatient chemical dependency counseling.

On 02/05/2022 the Aberdeen Police Department was dispatched in response to a Native American male who slapped and pushed down a female. The reporting party told dispatch the male may be armed, as he kept reaching into his waistband. When law enforcement arrived, they contacted Mr. Plenty Chief and Shannon Carrion. Shannon denied Mr. Plenty Chief assaulted her; rather, she offered she had slipped on the ice, and Mr. Plenty Chief grabbed her coat in an attempt to keep her upright. Law enforcement indicated they both smelled of alcohol, and Shannon struggled to stay still. Her pants were wet around the knees and no obvious signs of injury were present. The officer also noted the sidewalk was covered in melted snow and ice. The reporting party was contacted again, and he indicated he was about two blocks away so he could not be sure what he saw. However, he again reported he saw the male grab the female by the throat and push her down. Mr. Plenty Chief refused to provide a preliminary breathalyzer test and admitted he consumed alcohol earlier in the day. The officer informed Mr. Plenty Chief he was going to be arrested on a bond violation and while he gave his personal belongings to Shannon, he produced a large knife, in a sheath, from his waistband. He was arrested and transported to the Brown County Jail.

On 02/07/2022 a Complaint was filed in the Fifth Judicial Circuit Court which charged Mr. Plenty Chief with two counts of Driving While Under the Influence, No Proof of Financial Responsibility, and Open Container in a Motor Vehicle. On the same date he appeared for an Initial Appearance and Bond Hearing and was released on a Personal Recognizance bond. He is scheduled for an Arraignment on 03/09/2022.

On 02/10/2022 he contacted the probation office and reported he is scheduled for a chemical dependency evaluation at Avera Addiction Care Center on 02/11/2022.

I, Tiffany Hanson, a Probation and Pretrial Services Officer employed in the U.S. District Court for the District of South Dakota, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct.

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Respectfully submitted,

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Reviewed by:

James E. Johnson
Supervisory U.S. Probation Officer

Date: 02/10/2022